

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT SARVIS,
Plaintiff,

v.

CIVIL ACTION NO.
12-12233-NMG

POLYVORE, INC.,
Defendant.

REPORT AND RECOMMENDATION RE:
DEFENDANT'S MOTION TO DISMISS
DOCKET ENTRY # 16

August 9, 2013

BOWLER, U.S.M.J.

Pending before this court is a motion to dismiss for failure to state a claim (Docket Entry # 16) filed by defendant Polyvore, Inc. ("defendant" or "Polyvore"). On April 4, 2013, this court held a hearing and took the motion to dismiss under advisement.

PROCEDURAL BACKGROUND

On January 30, 2013, plaintiff Robert Sarvis ("plaintiff" or "Sarvis") filed an amended complaint pursuant to Rule 15(a), Fed. R. Civ. P. (Docket Entry # 14). The amended complaint sets out the following claims: declaratory judgment (Count

*after consideration of Plaintiff's Objection thereto (Docket No. 35),
Report and Recommendation is accepted and adopted.*

MSM/Gorton, USDJ 9/19/13